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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,468	07/13/2000	Stefan Jones	50277-1535	4913

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EXAMINER

DEMICO, MATTHEW R

ART UNIT	PAPER NUMBER
2611	9

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/615,468

Applicant(s)

JONES, STEFAN

Examiner

Matthew R Demicco

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6,8-11,13,16,18-21,23,25 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,8-11,16,18-21,25 and 27-32 is/are rejected.
- 7) ☒ Claim(s) 3, 13 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed 12/3/03. Claims 1, 3, 6, 8-11, 13, 16, 18-21, 23, 25 and 27-32 are pending. Claims 1, 3, 8-11, 13, 18-21, 23, 27 and 28 are amended. Claims 2, 4, 5, 7, 12, 14, 15, 17, 22, 24 and 26 are cancelled.

Drawings

2. The drawings were received on 12/3/03. These drawings are acceptable for examination.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Figure 1, Element 130. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 10-11, 20-21 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,337,710 to Watkins.

Regarding Claim 1, Watkins discloses a method for generating a digital video stream (Col. 3, Lines 32-34) comprising accepting user input via a graphical user interface (Col. 3, Lines 37-41) that allows for the manipulation of images (Col. 3, Lines 49-51) including alteration of colors, intensities, patterns, etc. (Col. 4, Lines 40-65). The user's selection of such elements (See Figure 4) reads on user preferences corresponding to a manner in which the digital video stream is to be configured. It is inherent that such preferences, once input, must be loaded into a memory and processor. Further, the user may select from various source images and patterns (Col. 3, Lines 35-37 and Col. 4, Lines 18-19). It is inherent that these images must be loaded from the image source archive (202) in order to be processed and encoded. This reads on the claimed identifying media required by a media generator to satisfy the user preferences and loading the media. Further disclosed is using the media to generate intermediate digital content based on the user preferences ("(possibly edited) image or sequence of images") and transferring the intermediate digital content to an encoder (208) and encoding the content into a digital video stream (Col. 3, Lines 35-41 and Col. 5, Lines 2-5). This digital video stream is subsequently decoded to find errors in the encoding process.

Regarding Claim 10, Watkins discloses a method as stated above in Claim 1 wherein an encoder chip is used in a test card for encoding the intermediate digital video (Col. 3, Lines 62-65). It is well known in the art that such dedicated encoder chips are designed to operate in real time. Watkins also discloses the possibility of using a

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software-based encoder running on a computer's CPU (Col. 3, Lines 57-60). It is well known that a software-based encoder may be real time dependent on the processing speed of the CPU.

Regarding Claim 11 see Claim 1 above. It is inherent in such a computer-based system (See Figure 2) that there be a computer-readable medium (122) carrying one or more sequences of instructions wherein execution of the instructions is performed by a processor (120). In the invention of Watkins, the source, control, encoder and destination of the media is embodied in a single computer with one processor. However, it is well known in the art that these functions may be broken up across multiple computers in a client/server relationship.

Regarding Claim 20, see Claim 10 above.

Regarding Claim 21, See Claim 1 above.

Regarding Claim 29, see Claim 10 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 6, 8-9, 16, 18-19, 25, 27-28 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watkins.

Regarding Claim 6, Watkins discloses a method as stated above in Claim 1. What is not disclosed, however, is the generation of a timestamp in the intermediate digital content on one or more frames. Official Notice is hereby taken that it is well known in the art of video editing and testing that timestamps may be inserted into video content for diagnostic purposes and to increase the ease in editing video. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video encoder testing method of Watkins with the time stamps of the well-known prior art in order for a tester to identify specific frames that may contain problems.

Regarding Claims 8 and 9, Watkins discloses a method as stated above in Claim 1. What is not disclosed, however, is that the GUI presented to the user with the list of available configuration options is presented with one or more web pages and that the information is transferred via Internet or Intranet. Official Notice is hereby taken that it is well known in the art of user interfaces that a web page may be used to present a user with configuration options when setting up or configuring software from either a local or remote location. Further, it is well known that a network such as the Internet or a local Intranet may be used to transport the data to the user from the server and vice versa when using such a web-based interface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the configuration GUI of Watkins with the web page and network of the well-known prior art in order to enable an operator to configure the system from a local or remote location using widely available web browser software.

Regarding Claims 16 and 18-19, Watkins in view of the well-known prior art disclose a computer-readable medium as stated above in Claims 6 and 8-9.

Regarding Claims 25 and 27-28, Watkins in view of the well-known prior art disclose an apparatus stated above in Claims 6 and 8-9.

Regarding Claims 30-32, Watkins discloses a system and method as stated above in Claims 1, 11 and 21. Watkins further discloses a manual editing option that allows for alteration of colors of pixels, blocks, macro-blocks, or slices in various hierarchy levels of a selected area. This reads on the claimed alteration of a background color. What is not disclosed, however, is a rate control marker that alters the background color at a set time interval. Official Notice is hereby taken that it is well known in the art of video editing that markers on a timeline of a graphical user interface can be used to represent user specified changes. These changes may be a color change as well as video or special effects. This reads on the claimed rate control marker. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the video editing user interface of Watkins with the rate control markers of the well-known prior art in order to allow a user to graphically layout the contents of a video stream to increase ease of use.

Allowable Subject Matter

8. Claims 3, 13 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew R Demicco whose telephone number is (703) 305-8155. The examiner can normally be reached on Mon-Fri, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



mrd
February 11, 2004



VIVEK SRIVASTAVA
PRIMARY EXAMINER